

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CUMBERLAND CELLULAR	)	
PARTNERSHIP FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A CELLULAR CELL	)	CASE NO. 93-207
SITE (EDMONTON) IN RURAL SERVICE AREA	)	
#5 (WAYNE) OF THE COMMONWEALTH OF	)	
KENTUCKY	)	

O R D E R

On June 2, 1993, Cumberland Cellular Partnership ("Cumberland Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower to serve Rural Service Area No. 5 ("RSA No. 5"). RSA No. 5 includes Adair, Barren, Clinton, Cumberland, Hart, McCreary, Metcalfe, Monroe, Russell, and Wayne counties in Kentucky. Cumberland Cellular has requested authorization to construct a cell site in Metcalfe County, Kentucky. Cumberland Cellular was previously granted authority to operate a cellular radio telecommunications system in the Louisville MSA in Case No. 90-306.<sup>1</sup>

The proposed cell site consists of a guyed antenna tower with attached antennas, not to exceed 420 feet in height to be located at Route 3, Edmonton, Metcalfe County, Kentucky (the "Edmonton cell

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<sup>1</sup> Case No. 90-306, The Application of GTE Mobilnet Incorporated for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public in Rural Service Area #5 (Barren) of the Commonwealth of Kentucky.

site"). The coordinates for the Edmonton cell site are North Latitude 36° 59' 41.21" by West Longitude 85° 33' 37.88".

Cumberland Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Edmonton cell site. Based upon the application, the design of the tower and foundation appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Edmonton cell site's construction is exempt from local zoning ordinances. Cumberland Cellular has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the Edmonton cell site. Both applications have been approved. Application to the Federal Communications Commission is not required for the proposed cell site.

Cumberland Cellular has notified all property owners and residents within 500 feet of the Edmonton cell site of the proposed construction. The notice solicited comments and informed the property owners and residents of their right to intervene. No comments have been received by the Commission.

Pursuant to KRS 278.280, the Commission is required to determine the proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or

insufficient. To assist the Commission in its efforts to comply with this mandate, Cumberland Cellular should notify the Commission if it does not use this antenna tower to provide cellular telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Cumberland Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Cumberland Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Edmonton cell site under its currently approved tariff.

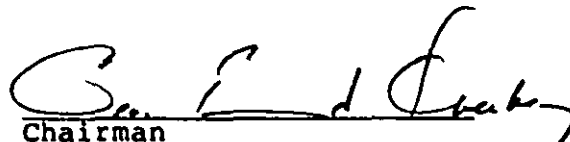
IT IS THEREFORE ORDERED that:

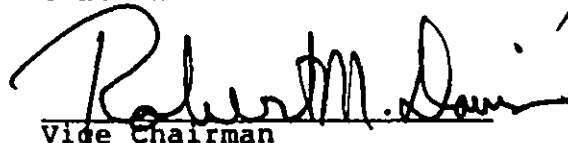
1. Cumberland Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the Edmonton cell site.

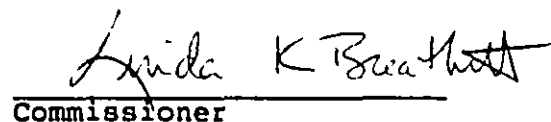
2. Cumberland Cellular shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 9th day of September, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director